



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

August 2, 2001

Gerrit Schinkelshoek
117808 W Kuhlman Rd
Prosser WA 99350-8676

Re: Emergency Drought Permit G4-32966

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

The applicant submitted an Emergency Drought Application which is the subject of this report and assigned second application No. G4-32966. The applicant has an initial water right from the Rosa Irrigation District (RID) to irrigate 80 acres of juice grapes. After the 2001 drought use of the well, the applicant proposes to use the well as an exempt well under RCW 90.44.050.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE WATER USE HEREIN AUTHORIZED.

The Department of Ecology has agreed to fund the cost of the mitigation or offsets for the impacts associated with the drought emergency authorizations. Ecology is attempting to meet the essential irrigation needs of farmers growing orchard crops, grapes and hops where the loss of irrigation water would permanently damage trees and vines. Essential needs have been defined as 75% to 80% of a usual irrigation water duty delivered by the irrigation districts.

This authorization is conditioned by the following provisions and limitations:

This authorization is for a new well located within the NE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 6, T. 9 N., R. 25 E.W.M.



The well must comply with the following construction requirements and restrictions:

- (a) The casing shall be set or placed (not driven) twenty (20 feet into the first solid, un-fractured, nonporous, non-vesicular basalt flow occurring at or below 100 feet, whichever is greater;
- (b) The well annulus shall be pressure grouted utilizing cement grout as a sealing agent from the bottom of the casing to the land surface;
- (c) The well annulus shall be at least four (4) inches greater in diameter than the permanent casing and;
- (d) The well depth shall terminate at or above a depth corresponding to the top of the Mabton sedimentary interbed, which should be encountered at a depth of approximately 540 feet.
- (e) Installation of an airline and access port for water level measurement is required.

All water wells constructed within the state shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

The quantity of water to be withdrawn is limited to 500 gallons per minute(gpm) and 316 acre-feet per year to irrigate 200 acres of juice grapes and 33 acres of orchard. This is based upon the instantaneous quantity requested and an annual quantity of 1.25 acre-feet per acre for juice grapes and 2 acre-feet per year for orchard.

Water is to be used for supplemental irrigation of 200 acres of juice grapes and 33 acres of orchard from May 1 to October 31, 2001. The place of use is described as follows:

The E $\frac{1}{2}$ NW $\frac{1}{4}$, less .90 acres for road right of way (Lot 3 and the SE $\frac{1}{4}$ NW $\frac{1}{4}$) less road right of way 2-19-64, together with easement 12-13-68, 12-18-53, joint driveway easement 11-29-68, Section 6, T. 9 N., R. 25 E.W.M.

AND

The E $\frac{1}{2}$ NW $\frac{1}{4}$ and that portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ lying N of Roza Canal, LESS the N 30 feet of Government Lot 3 for road 2-4-64, Together with easement 1-25-72 in Section 4, T., 9 N., R. 25 E.W.M.

AND

The N $\frac{1}{2}$ SW $\frac{1}{4}$, Less that portion lying N of Roza Canal together with that portion of the W $\frac{1}{2}$ of the NW $\frac{1}{4}$, Lying Southerly of the north line of the Roza pump lateral P15LR, EXCEPT the W 30 feet: (Description change 7-27-76) LESS the W 30 feet of the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ to County 3-4-54 in Section 4, T. 9 N., R. 25 E.W.M., Benton County.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with WAC 508-64-020 through WAC 508-64-040.
(Installation, operation and maintenance requirements attached hereto.)

Whenever water is being diverted, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology at the end of the 2001 irrigation season.

Withdrawal of water under this authorization may be limited or otherwise regulated in favor of senior rights.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

This drought emergency authorization expires on October 31, 2001.

This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued must file an appeal with the Pollution Control Hearings Board within thirty (30) days of receipt of this Order. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to: Department of Ecology, Fiscal Office, P.O. Box 47615, Olympia, Washington 98504-7615. All others receiving notice of this Order must file an appeal with the Pollution Control Hearings Board within thirty (30) days of the date the Order was mailed in the same manner described above.

Sincerely,



Robert F Barwin, Section Manager
Water Resources Program

RFB:PNK:gg
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Enclosures: Flow Meter Requirements
cc: Yakama Nation